

Introduced by Senator Anderson

January 27, 2016

An act to amend Section 3451 of the Penal Code, relating to postrelease community supervision.

LEGISLATIVE COUNSEL'S DIGEST

SB 922, as introduced, Anderson. Postrelease community supervision.

Existing law generally requires that all persons released from prison on and after October 1, 2011, after serving a prison term for a felony, be subject to postrelease community supervision provided by the probation department in the county to which the person is being released for a period of 3 years immediately following release. Under existing law, postrelease community supervision does not apply to persons released after serving a term for a serious felony, a violent felony, an offense for which the person was sentenced pursuant to the Three Strikes law, a crime where the person is classified as a high risk sex offender, or a crime where the person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder, and requires these persons to be subject to parole supervision by the Department of Corrections and Rehabilitation following release from state prison and the jurisdiction of the court in the county in which the parolee is released or resides.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3451 of the Penal Code, as amended by Stats. 2015, Ch. 378, Sec. 5., is amended to read:

3451. (a) Notwithstanding any other law and except for persons serving a prison term for any crime described in subdivision (b), all persons released from prison on and after October 1, 2011, or, whose sentence has been deemed served pursuant to Section 2900.5 after serving a prison term for a felony shall, upon release from prison and for a period not exceeding three years immediately following release, be subject to community supervision provided by the probation department of the county to which the person is being released, which is consistent with evidence-based practices, including, but not limited to, supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under postrelease supervision.

(b) This section ~~shall~~ *does* not apply to ~~any~~ a person released from prison after having served a prison term for any of the following:

(1) A serious felony described in subdivision (c) of Section 1192.7.

(2) A violent felony described in subdivision (c) of Section 667.5.

(3) A crime for which the person was sentenced pursuant to paragraph (2) of subdivision (e) of Section 667 or paragraph (2) of subdivision (c) of Section 1170.12.

(4) ~~Any~~ A crime for which the person is classified as a high-risk sex offender.

(5) ~~Any~~ A crime for which the person is required, as a condition of parole, to undergo treatment by the State Department of State Hospitals pursuant to Section 2962.

(c) (1) Postrelease supervision under this title shall be implemented by the county probation department according to a postrelease strategy designated by each county's board of supervisors.

(2) The Department of Corrections and Rehabilitation shall inform ~~every~~ *each* prisoner subject to the provisions of this title, upon release from state prison, of the requirements of this title and of his or her responsibility to report to the county probation department. The department or probation department shall also

1 inform persons serving a term of parole or postrelease community
2 supervision for a felony offense who are subject to this section of
3 the requirements of this title and of his or her responsibility to
4 report to the county probation department. Thirty days prior to the
5 release of ~~any~~ a person subject to postrelease supervision by a
6 county, the department shall notify the county of all information
7 that would otherwise be required for parolees under subdivision
8 (e) of Section 3003.

9 (d) A person released to postrelease community supervision
10 pursuant to subdivision (a) shall, regardless of ~~any~~ a subsequent
11 determination that the person should have been released to parole
12 pursuant to Section 3000.08, remain subject to subdivision (a) after
13 having served 60 days under supervision pursuant to subdivision
14 (a).